

JUDGE S. A. LOWELL DELIVERS ADDRESS

PREDATORY LAND IN- TERESTS HIS TOPIC

Scores the Transportation Monopoly and Alien Land Holders—The Railroad's Duty to the Public—State Possesses a Remedy—Speech Delivered at Corvallis Saturday Night.

Corvallis, Sept. 6.—Judge Lowell of Pendleton, delivered an address today in a tented amphitheatre, crowded with hundreds of people, at the All-Benton county school fair. His text was "Oregon Problems," and the theme was large landholdings and excessive railroad domination, which were set forth as a menace to the welfare of the state.

The Pendleton jurist's speech made a deep impression on the audience. He said:

Oregon presents a unique situation in civic economies, and problems confront her people which do not find parallel in any other part of the union.

She is not a new state. Another year and she will usher in the second half century of her statehood. She possesses resources unsurpassed, and possibly not equaled among the sisterhood of states, and yet in material development she lags in the rear rank.

The reasons are not far to seek. They are two—alien and excessive land holdings, and a selfish and non-progressive transportation monopoly. In round numbers 5,000,000 acres of her area are held under the grants of congress made in the decade from 1860 to 1870 to railroad and so-called military wagon road companies, while other vast tracts have been secured by the great lumber and cattle companies, and by railroad corporations through the vicious lie land act. It is probably a conservative statement to say that at least 7,000,000 acres are thus held within her boundaries. The most of this vast area is owned by nonresident individuals and corporations, some of whom are old world capitalists.

The policy of substantially all seems to be one of nonuser. They will neither sell these lands to settlers nor develop them themselves. These grants cross the state north, south, east and west, like trails of poisonous serpents, and the result has been a pall upon development for 40 years.

The Railroad Situation.

The railroad situation is almost as intolerable. One vast corporation directed from New York practically dominates the transportation facilities of the commonwealth, and for years its profits within the state have been so enormous that the best data obtainable by the railroad commission indicate an accumulated surplus of \$29,000,000, and yet, despite the long continued appeals of the people, lines are never extended in temporary fear that some other company is about to enter this preserve.

The money thus earned is spent in railroad building elsewhere and the result is that much of the coast counties and an imperial expanse in central and southeastern Oregon, together considerably greater in extent than the state of Pennsylvania, are practically untouched by rails—regions which, when once opened up by adequate transportation facilities will develop by leaps and bounds, until they can easily support 5,000,000 people.

It may be said that the field of construction is open but such is not the fact. The truth is that the great transportation lines control the money markets of the east, and were a new company to attempt construction in this territory it would find the banks closed against it and no sale for its bonds could be found. The west today is seemingly as absolutely parceled out among the transcontinental railway magnates as was the old world among the lords of feudal ages. There is occasional apparent rivalry as it this time, but it usually ends in peace and another division of domain.

This state of affairs cannot be permitted to continue and its elimination calls for the serious consideration of every thinking man within the confines of Oregon. Unless a remedy is found, another 50 years will witness the vast natural resources of this magnificent state either still undeveloped, or the objects of exploitation by alien owners, and our people will be crushed under the double curse of permanent landlordism and railroad domination.

Old World's Struggle.

The people of the old world have been struggling for centuries against the land system which early monarchial ideas fastened upon them, and

no other thing, not even the burden of royalty itself, has equalled this as a bar to the uplift of the race. Scotland, educationally speaking, is perhaps the most advanced country in the world. Her people are not only intelligent, but mentally keen, physically robust and morally clean. The Scottish race has impressed itself upon the commercial and religious world in a manner second only to the Hebrew, and yet with all its virility, courage and persistency, it has never been able to shake off the burden of land monopoly inherited from the feudal ages and conquests of kings. Today 171 persons own nearly 60 per cent of its area, and out of its 5,000,000 population only about 132,000 own any land at all. The Laird of Skibo, Andrew Carnegie, some time of New York and Pittsburg, possesses a preserve about his castle approximately 20 miles by eight miles in extent. Scotland is but a type of prevalent conditions throughout the most of the old world, and Thomas Carlyle's grim prediction that America's real social troubles will begin when her public lands pass to private ownership was founded upon the sure rock of racial experience.

This is a government of the people. We are the Moses and from out this Red sea of retardation we must emerge. In the ultimate analysis the people are usually right. Sometimes they seem swayed by passion and prejudice, but given time for consideration they have solved correctly the great questions presented in the period of our national life. It is time, therefore, that discussion of remedies for existent evils here was begun. Ultra conservatism, the doctrine of laissez faire, always means depression and ultimate decay. The race moves forward by impulses, either upon the blood waves of revolution as with the Latins, or upon the thought waves of agitation as with the Anglo Saxon.

In the hope of then arousing public interest and popular discussion, I offer the following tentative remedies for the unjust and fateful conditions which oppress our people and retard the state's development. With the adoption of direct legislation Oregon became a pure democracy, and in the prerogative to make laws and amend the constitution may be found the necessary weapons of self-preservation.

The railroads are public service corporations, they are creatures of the state and owe to it a large duty. Among their obligations may justly be regarded a requirement to utilize a fair share of their profits as common carriers within the state in such extension of their lines as may be necessary to accommodate the people and develop the commonwealth. The common law is the expression of the experience of English speaking people for a thousand years, and necessarily it reflects the changing conditions of the race. Courts have been wise enough to adapt it to the needs of the centuries, so the law of public service corporations with the new problems they offer must be made to adapt itself to new conditions as they present themselves.

None of us can countenance any legislation confiscatory in character, or which would jeopardize property or investment, but the rights of the state and of the people, who are the state, must always be maintained supreme. The rights of the created can never be greater than those of the creator. It would certainly be just to every interest to provide by law that the railroad companies in Oregon should first pay their fixed charges, maintenance and operating expenses, interest upon bonds and a fair dividend upon capital stock, and then that the surplus net profits shall be used in the construction of new lines within the state. Such legislation would be reasonable and properly within the purview of the recognized right of corporate regulation by the state.

Excessive Land Holdings.

I approach the solution of the problem of excessive land holdings with some hesitancy, because many of them are in the hands of individuals and corporations, ostensibly organized for private purposes, and under the guarantees of the federal constitution the questions presented are, from a legal standpoint, complicated ones. I think it will be admitted, however, that there can be no moral right by which lands essential to the comfort and contentment of the race, needed for homes, can be indefinitely withheld from settlement and development. The state surely must possess some remedy. Reason is justice, and justice must be the basis of all law. The American people can never permit old world landlordism to be fastened upon them.

The general government is now appealing to the courts to compel the holders of the mighty Oregon & California railroad grant, extending originally from Portland to the California line, to dispose of its holdings to set-

ters at the price stipulated in the act of congress, \$2.50 per acre. Let us hope that the courts will say to the corporate defendant in these proceedings, "The right of contract with the government is as sacred as with individuals, and you must keep it."

What shall be done if the decree be adverse? The people do not desire to despoil any individual or corporation, but they demand that these vast holdings of the soil shall not block the path of progress or stand in the way of human needs; that they either be developed or subdivided and sold to home builders.

There are but two effective remedies which appeal to me as just alike to the owner of the lands and to the state: First, an amendment to the constitution which will permit the levy of special taxes for public purposes upon lands idle and held for speculation; and, second, such constitutional modifications and legislation as will permit the state to exercise the right of eminent domain, condemn these lands in the courts whenever necessary, pay the owners a fair price for them, and sell them to the people in small tracts. This procedure would place no special burden upon the state. The fund so used would be a revolving one and ultimately would return to the state treasury with a fair modicum of profit.

I am aware, of course, that this would be an unusual exercise of the historic right of eminent domain, which primarily is the taking of private property for public purposes, but we are living in an age wherein conditions are kaleidoscopic in their presentment, and courts will be justified in sustaining such exercise of the high prerogatives for the reason that there can be no more important public purpose than home building; nothing in which the entire public has so vital and far-reaching an interest. This remedy only requires the reasonable application to the conditions of our

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If these suggestions are not panacea, I am ready to accept others, but I am not willing to sit simply by and witness the depopulation of the state and the destruction of its future. The manhood of Oregon must arouse, to the end that the generations yet to come may find preserved to them the heritage justly theirs.

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